



**Statement of Natalie Ludaway
Chief Deputy Attorney General for the District of Columbia**

Before the

**Committee on the Judiciary
The Honorable Kenyan McDuffie, Chairperson**

Public Hearing

Bill 21-724, the "Immigration Services Protection Act of 2016"

**Bill 21-827, the "Senior Law Enforcement Officer Amendment Act
of 2016"**

**Bill 21-846, the "Firearms Re-registration Requirement Amendment Act of
2016"**

**Bill 21-847, the "Law Enforcement Career Opportunity Amendment Act
of 2016"**

**Bill 21-864, the "Tampering with a Detection Device Amendment Act
of 2016"**

Bill 21-886, the "Stun Gun Regulation Amendment Act of 2016"

**October 17, 2016
9:00AM
Room 120
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, District of Columbia**

Good morning Chairman McDuffie, Councilmembers, and staff. I am Natalie Ludaway, and I have the privilege of serving as the Chief Deputy Attorney General for the District of Columbia with Attorney General Karl A. Racine. I am pleased to appear before the Committee on the Judiciary this morning to discuss several bills on the agenda today. With me today are representatives from the Office of the Attorney General's Public Safety Division, Office of Consumer Protection, and Legal Counsel Division. They will join me, identify themselves, and respond to any specific questions from the Committee as needed.

B21-724, THE "IMMIGRATION SERVICES PROTECTION ACT OF 2016"

The legislation grew out of the work the Office of the Attorney General does with the *Council for Court Excellence's Notario Fraud Identification and Enforcement Working Group*. This group works to share information about notario fraud related scams that target immigrants, coordinate advocacy, and collaborate on potential enforcement actions. The group includes local and federal law enforcement, non-profits and advocacy groups. I would also like to thank the Hispanic Bar Association of the District of Columbia for collaborating with the OAG in drafting the legislation.

Attorney General Racine introduced the "Immigration Services Protection Act of 2016" because of the reports of rampant fraud the OAG received regarding the issue. This legislation combats *notario fraud*, which mainly takes advantage of immigrant communities. In Latin American countries, "notarios publicos," which is Spanish for "notaries public," can practice certain matters of law. Dishonest immigration consultants will mislead consumers with the

“notary public” title, often misrepresenting their qualifications as notaries public in the United States. Many non-citizens find out that they will never obtain a green card, legal immigration status, or other benefits because an unqualified immigration consultant or notario fraudster, unlawfully working as an immigration lawyer, gave them incorrect advice. Notarios promise they will provide consumers with counsel and advice concerning what can be complex immigration matters. Often after charging fees up front, the notarios do little more than fill out forms for their customers.

Twenty-nine states have statutes regulating this type of fraud. This legislation is modeled after the Maryland Immigration Consultants Act, which has been used successfully to combat notario fraud north of our border and it contains several provisions that are found in a large number of other state statutes:

- Consistent with federal law, and numerous states, the legislation would allow only licensed attorneys, individuals qualified under federal regulations, non-profit organizations, and legal clinics to perform immigration services;
- It requires services to be performed before the immigration services provider may charge a fee;
- It imposes contractual requirements and mandates that consumers have access to all documents prepared on their behalf;

- And it makes a violation of the act's provisions an unlawful practice subject to the remedies provided under the District's Consumer Protection Procedures Act; those remedies include fines, restitution and other penalties.

It is difficult to quantify how many instances of notario fraud take place in the District largely because this scheme often preys upon individuals and families that are frightened to seek help from the authorities. My Office is currently litigating a case against an Adams Morgan-based notario called Unlimited Technologies and Services Corporation (UTS). That company victimized several District residents. In that case, the company falsely claimed it employed attorneys and negligently performed immigration consulting services, harming consumers. One consumer in particular went to UTS for help obtaining a travel document, left the United States for his native El Salvador, and was unable to return for more than a year. Now that he has received meaningful assistance from an attorney practicing immigration law, he should shortly be able to return to the country. Passing the Immigration Services Act should prevent this type of fraud from reoccurring and, if it does, will make it easier to prosecute.

OAG looks forward to partnering with community organizations, particularly in our immigrant communities, to seek out and prosecute anyone preying on vulnerable residents while also ensuring the safety and security of victims. OAG urges the Committee on Judiciary and the Council to enact this legislation.

**B21-827, THE "SENIOR LAW ENFORCEMENT OFFICER AMENDMENT
ACT OF 2016**

OAG supports the “Senior Law Enforcement Officer Amendment Act of 2016.” I am advised that a nearly identical bill has already been enacted via the Council’s emergency legislative procedures. The Mayor proposed this bill to authorize the Chief of the Metropolitan Police Department (“MPD”) to rehire retired MPD police officers as senior law enforcement officers, at any rank, without liability for annuity offset. In the transmittal letter accompanying the bill, the Mayor states that between 1989 and 1990, the District hired more than 1,000 officers in an 18-month period. The officers hired in that period who are still on the force have become eligible to retire at the same time. It is estimated that nearly half of the MPD command staff may be eligible to retire.

One of the chief priorities of Attorney General Racine is to enhance public safety in the District. Ensuring our partners at MPD are operating at peak efficiency is vital to that cause. Attorney General Racine wholeheartedly supports this legislation, for whatever time period the Council deems necessary, to ensure there is no significant gap in the availability of police officers to maintain the safety for our residents and visitors.

**BILL 21-846, THE FIREARMS RE-REGISTRATION REQUIREMENT
AMENDMENT ACT OF 2016”**

As introduced, this bill establishes that registration certificates for firearms must be renewed every 4 years as long as the registrant meets all of the initial registration requirements. It establishes the process for renewal and requires the Metropolitan Police Department to mail a renewal notice to registrants at least 90 days prior to the expiration of the registration certificate.

The Office of the Attorney General supports the policy goals of this legislation, and applauds the introducers of this bill for seeking the best outcomes for District residents. We will work with the Council, MPD, and all relevant stakeholders to ensure we have legally sufficient and successful gun policies.

**B21-847, THE "LAW ENFORCEMENT CAREER OPPORTUNITY AMENDMENT
ACT OF 2016"**

I am advised that a nearly identical bill to Bill 21-847 was also recently enacted via the Council's emergency legislative procedures. This legislation amends section 2(a) of the *Police Officers and Firefighter Cadet Program Funding Amendment Act and Human Rights Act of 1977 Amendments Act of 1982* to extend the age eligibility requirements for the police officer cadet program from 20 to 24. As the recent emergency declaration noted, the cadet program ensures young adults develop the leadership and analytical thinking skills required to meet the challenges of police officers' complex roles as problem-solvers, service providers, and professionals in the criminal justice system, while paying for the costs of earning the college credit hours at the University of the District of Columbia which are required to join MPD.

Due to the retirement bubble facing MPD, as I discussed with the previous bill (Bill 21-827), Attorney General Racine agrees this is a prudent and laudable step to ensure a robust police force. Furthermore, Attorney General Racine also support this legislation because it gives greater employment opportunities to young adults in the District.

**B21-864, THE "TAMPERING WITH A DETECTION DEVICE AMENDMENT
ACT OF 2016"**

The OAG supports the “Tampering with a Detection Device Amendment Act of 2016.”

This bill amends the *Omnibus Public Safety and Justice Amendment Act of 2009* which currently makes it a misdemeanor for a person to intentionally remove, tamper with, or fail to charge a GPS monitoring device that he “is required to wear . . . as a condition of” commitment, incarceration, parole, probation, or various other kinds of release. As the Mayor’s transmittal letter indicates, the amendment changes the lead-in language with the intent of capturing all possible situations in which a person who is required to wear a GPS device by a court or any agency, for any reason, can be prosecuted under the statute, regardless of whether the GPS device is imposed as a condition of release, or as a sanction for a violation of conditions of release.

To be clear, this is not new policy but an expansion of an existing policy to all persons required to wear a monitoring device. OAG urges the Mayor and Council to keep data on the success of the legislation after implementation.

B21-886, THE "STUN GUN REGULATION AMENDMENT ACT OF 2016"

OAG greatly appreciates the work of you, Chairman McDuffie, and the work of Chairman Mendelson in introducing this needed legislation. As introduced, this bill requires

vendors who sell at least 5 units of self-defense spray or stun guns within a year to register with the Metropolitan Police Department on a form provided by the department. It prohibits those under 18 years of age from possessing a stun gun in the District and repeals the registration requirement for self-defense sprays.

In August, three residents sued the District in federal court, alleging that the city's categorical ban on the private possession of stun guns violates the Second Amendment. In March 2016, the U.S. Supreme Court called into serious question the constitutionality of categorical bans on stun gun possession. In light of that precedent, we think it is most prudent to resolve this matter legislatively. We recommended that the Council move quickly to introduce new legislation that replaces the categorical ban with a licensing scheme, somewhat akin to what Michigan did, when its stun gun ban was overturned in 2012. That way, the District would be able to regulate the possession of stun guns in a manner consistent with the *Heller* decision. The Council's introduction and willingness to enact legislation has been tremendously helpful. Within the next week, the OAG would appreciate the opportunity to meet with your staff, MPD, and any other relevant government stakeholders to ensure we have the best policy regarding prohibited persons, places where the carrying of stun guns would be prohibited, and the manner in which they may be carried.

I appreciate the opportunity to testify on these important bills. At this time, we are happy to answer any questions the Committee may have for the Office of the Attorney General.